

# SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-2259

## **Granted Appeal Summary**

### **Case**

SHIRLEY DILL v. KROGER LIMITED PARTNERSHIP I, ET AL.  
(Record Number 200823)

### **From**

The Circuit Court of the City of Staunton; C. Ricketts III, Judge.

### **Counsel**

Lauren M. Byrne (MartinWren P.C.) for appellant.

C. Kailani Memmer, Victor S. (“Dinny”) Skaff, III, and Kathleen T. Allen (Glenn Robinson Cathey Memmer & Skaff PLC) for appellees.

## **Assignments of Error**

1. The Circuit Court of the City of Staunton erred in granting Defendants’ motion to strike Plaintiff’s case at the close of Plaintiff’s case in chief by failing to properly apply the applicable standard of review as it failed to view the evidence in the light most favorable to the Plaintiff, improperly assessed the weight and credibility of the evidence, and rejected reasonable inferences supported by the evidence, thereby denying Plaintiff a trial by jury.
2. The Circuit Court of the City of Staunton erred in granting Defendants’ motion to strike Plaintiff’s claim of malicious prosecution at the conclusion of Plaintiff’s case in chief, when it found Defendants had no malicious intent.
3. The Circuit Court of the City of Staunton erred in granting Defendants’ motion to strike Plaintiff’s claim of false imprisonment at the conclusion of Plaintiff’s case in chief, when it found Defendants had no malicious intent and did not participate in Plaintiff’s arrest.